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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,486	02/25/2004	Ronald W. Ausen	58196US007	3119
32692	7590	06/15/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			SANDY, ROBERT JOHN	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,486	Applicant(s) AUSEN ET AL.	
	Examiner Robert J. Sandy	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/16/2005 (cert. of mail date).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the reply filed 16 March 2005.

Response to Arguments

The rejection under 35 U.S.C. §112, second paragraph, to claim 1, indicated in the prior Office action of 01 January 2005, has been withdrawn in view of applicant's amendment, filed in the reply of 16 March 2005, to claim 1.

Applicant's arguments, found in the second paragraph on page 4, with respect to the traversal of the rejections under 35 U.S.C. §102 to claims 1-6 have been fully considered and are persuasive. Therefore, the rejection(s) of claims 1-6, under 35 U.S.C. §102(b) as being anticipated by Roessler (U. S. Patent No. 5,176,670), have been withdrawn. However, upon further consideration, a new ground(s) of rejection has been provided in this communication.

Applicant's reply failed to address the drawing objections indicated in the prior Office action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed feature requiring "spaced projections . . . in a row" (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The drawings are further objected to since structural detail is difficult to distinguish in Figures 4, 5 and 6. Figures 4, 5, and 6, appear to show each of the projection (i.e., hook members 14) continuously connected to one another, where the lower portion of stems 15 are continuously connect to one another.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 9 is objected to because of the following informalities: In claim 9, line 2, there is no antecedent basis for " the base film layer ". Appropriate correction is required.

Specification

As a result of applicant's amendment to claim 1, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to provide proper antecedent basis for a "film base" and "upper and lower faces". The originally filed disclosure provides consistent support for the claim's original phrases of a "base film layer" and the "upper and lower major surfaces 12 and 13". The phrases of "a film base" and "upper and lower faces" in the currently amended claim 1 are not consistent with the originally filed written specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

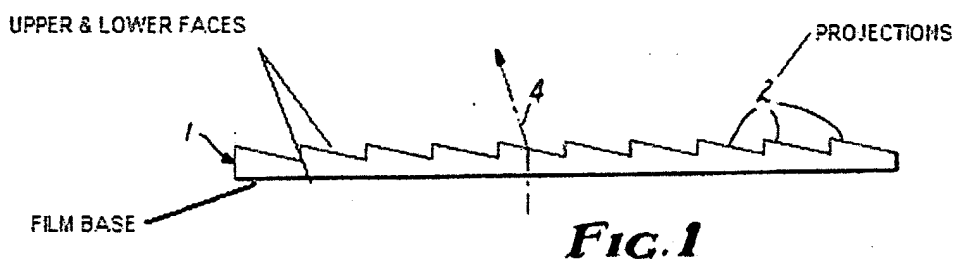
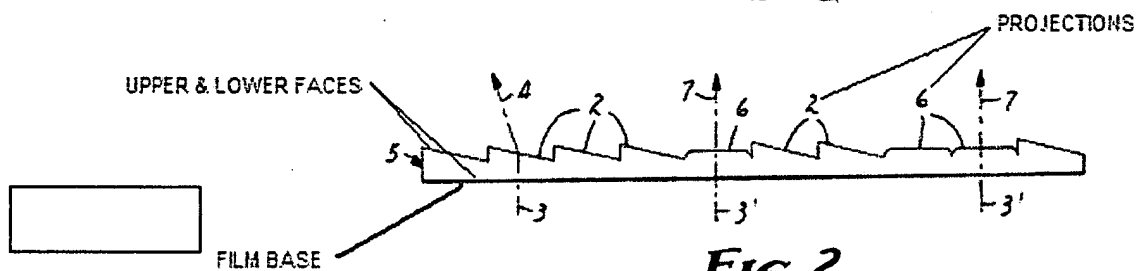
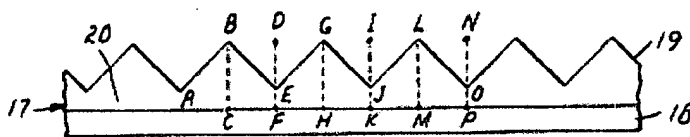
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brady, Jr. (U. S. Patent No. 4,497,860). Brady, Jr. ('860) discloses a unitary film structure (Figs. 1, 2 and 5 have been provided herein) of a polymeric resin (see description of "Suitable polymers" in the paragraph beginning as col. 2, line 41) comprising a film base (see Figs. 1, 2 & 5; 18) having generally parallel upper and lower faces and having projections (2, 6, 19) being arranged in rows (The figures show and are described as "a support layer (18) and prisms (19) in linear array.") with at least 25 spaced projections (peaks of prisms) per centimeter in a row projecting from at least the upper surface of said base.

Brady, Jr. ('860) meets the limitation of "projections being arranged in rows with at least 25 spaced projections per centimeter in a row" where Brady, Jr. ('860) describes the periodicity (i.e., space between the peaks of the prisms) in column 4, lines 14-15, as "Generally the periodicity should be between 25 to 1000 microns (1 to 40 prisms per mm)". Brady, Jr.'s range of "1 to 40 prisms per mm" is equal to 10 to 400 prisms per cm (i.e., 1 to 40 prisms per mm

Art Unit: 3677

multiplied by 10 mm per 1 cm results in 10 to 400 prisms per cm) which encompasses the claimed lower limit of "at least 25 spaced projections per centimeter. Brady, Jr. ('860) also meets these limitations as the gratings 26 (shown in Fig. 6) are described wherein "[th]e gratings (26) can be 150 to 1500 lines per mm." where the gratings are projections linearly spaced 1500 to 15,000 per cm.

**FIG. 1****FIG. 2****FIG. 5**

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Provost et al. (U. S. Patent Publication No. 2001/0000365). Provost et al. ('365) discloses a unitary film structure (110, Figs. 1-12) of a polymeric resin ("polypropylene", page 5, paragraph [0055]) comprising a film base (112) having generally parallel upper and lower faces and having projections (114) being arranged in rows (as shown in Fig. 2) with at least 25 spaced projections

Art Unit: 3677

(i.e., "71 fasteners elements per inch" equates to 27.95 fasteners per cm, paragraph [0043]) per centimeter in a row projecting from at least the upper surface of said base; and

(concerning claim 2) the projections are hook members (14) which have head portions (118; Fig. 2) that extend in a direction transverse to the direction of rows of the hook members.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provost et al. (U. S. Patent Publication No. 2001/0000365). Provost et al. ('365) discloses the claimed film structure further comprising wherein the polymeric material is a thermoplastic resin ("polypropylene") and the hook head has rounded corners (118, as shown in Fig. 2), except for wherein the unitary hook fastener having at least 30 spaced hook members per centimeter in a row. It would have been within ordinary routine skill in the art to have adjusted the 27.95 spaced hook members per centimeter to at least 30 spaced hook members per centimeter in a row for the film structure of Provost et al. ('365), and it would appear that the 30 spaced hook members per centimeter in a row would be an obvious achievable quantity within routine skill in the art.

Art Unit: 3677

Allowable Subject Matter

Claims 5- 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

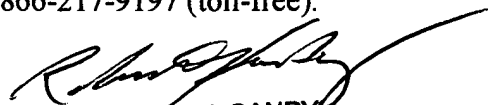
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY
PRIMARY EXAMINER**

Robert J. Sandy
Primary Examiner
Art Unit 3677